IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.945/07

Nathu Lal Jewaria **Versus** State & Anr.

DATE OF ORDER :: 21/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Ratan Kaushik, for petitioner
Mr. Arun Sharma, Public Prosecutor
Mr. Mahendra Goyal, for respondent

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Instant petition has been filed assailing order dated 7th June, 2007 whereby learned trial Judge took cognizance against accused-petitioner for offence u/ss.211, 168 & 385 IPC.

Undisputedly, the order impugned is revisable and revision petition against said order is maintainable u/s.397 Cr.P.C. In view of availability of remedy of revision to accused-petitioner, this court is not inclined to exercise inherent jurisdiction available u/s.482 Cr.P.C.

Counsel for petitioner submits that not even the order taking cognizance, but criminal proceedings were also challanged by him. It is to be mentioned that it is order taking cognizance in question and proceedings are ancillary thereto.

In view of availability of remedy of revision, this court finds no reason to intefere at this stage.

Consequently, misc. petition stands dismissed. However, petitioner will be at liberty to file revision petition, if so advised and application seeking condonation, if filed under Limitation Act, the same may be objectively considered. Relevant papers be made available to petitioner on furnishing xerox copies of the same.

[AJAY RASTOGI],J.